



OFFICE *of the* ATTORNEY GENERAL
GREG ABBOTT

April 1, 2004

Mr. Kevin B. Laughlin
Atkins & Peacock, LLP
823 Central
Odessa, Texas 79761

OR2004-2618

Dear Mr. Laughlin:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 201561.


The Ector County Independent School District (the "district"), which you represent, received a verbal request for information pertaining to an investigation of a complaint of injury to a child conducted by the district police department. You state that, due to the nature of the allegations and the sensitivity to the parents of the alleged victim, the district has elected to treat the request as a request made pursuant to the Public Information Act, despite the absence of a formal written request.

We note that section 552.301(a) of the Government Code provides:

A governmental body that receives *a written request* for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions under Subchapter C must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions. [Emphasis added.]

Accordingly, the duty to request a decision from this office as to whether information may properly be withheld under the Public Information Act does not arise until the governmental body receives a written request for the information. Consequently, the verbal request received by the district did not trigger the requirements of section 552.301 of the Government Code. Accordingly, this office has no jurisdiction to rule on whether the information verbally requested is subject to disclosure under the Act.

Sincerely,


Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/jh

Ref: ID# 201561
Encl: Submitted documents

c: Valente & Elsa Gonzales
c/o Mr. Kevin B. Laughlin
Atkins & Peacock, LLP
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Odessa, Texas 79761
(w/o enclosures)